

Applicant : Howard A. Kingsford  
Serial No. : 09/440,384  
Filed : November 15, 1999  
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Attorney's Docket No.: 05918-153001 / 4131

REMARKS

Applicant has cancelled claim 1 and amended claims 2-22. Claims 2-23 remain pending in the application with claim 19 being the sole independent claim.

The Examiner has repeated his rejections under 35 U.S.C. § 112 of claims 1, 10 and 17, of record on page 2 of the previous Action. Specifically, those rejections were, with regard to claim 1, that the terms ‘being configured,’ ‘at least,’ and ‘at least many,’ were indefinite, with regard to claim 10, that a term was missing, and with regard to claim 17 that the term ‘groove’ was indefinite.

In the present Action, the Examiner has also rejected claims 1 and 19 under 35 U.S.C. § 112 for being indefinite because the term ‘distal’ has not been defined.

In response to the § 112 rejections, Applicant has canceled claim 1 and amended claims 10, 17 and 19 to remove the phrases ‘at least,’ ‘at least many,’ and the term ‘distal.’ With regard to Applicant’s use of the phrase ‘being configured’, Applicant has amended claim 19 to replace the phrase with word ‘oriented,’ as interpreted by the Examiner for substantive examination in the previous Office Action. Applicant notes that this amendment is not intended to further limit the claim in any way and intends the term “oriented” to be broadly interpreted in a manner synonymous with the term “configured.”

With regard to the Examiner’s rejection based on Applicant’s use of the term ‘groove’ (e.g., as in claim 17), Applicant submits that this word does not render the claim(s) indefinite. Applicant has used this terms consistently since the application was originally filed and intends only that it have its ordinary meaning, i.e., the meaning that it would be given by one skilled in the art of fastener design/manufacture. Furthermore, the application as filed more than adequately describes (e.g., page 6, lines 10-14) and illustrates (e.g., Figs. 3C and 3D) an embodiment of the claimed “groove.” Applicant requests reconsideration of the Examiner’s rejection based on Applicant’s use of the term “groove.”

The Examiner has rejected independent claim 19 under 35 U.S.C. § 103 as being unpatentable over Reed et al. According to the Examiner, “Reed et al teach that it is equivalent to use the same material or different materials for all of the layers” of the disclosed

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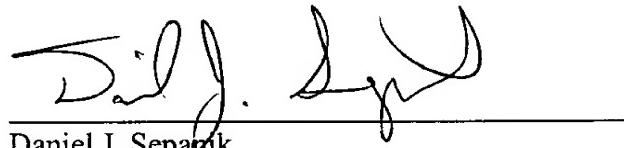
micromechanical barb. However, Applicant maintains that Reed et al does not teach or suggest a technique by which an "array of skin penetrating elements, including each retention barb, is molded integrally from a single plastic resin," as required by claim 19. Applicant submits the enclosed declaration under 37 C.F.R. § 1.132 in support of this position and requests reconsideration.

All of the pending dependent claims (i.e., claims 2-18 and 20-23) now depend, ultimately, from claim 19. For the same reasons as mentioned above, Applicant requests reconsideration of these claims.

Attached is a marked-up version of the changes being made by the current amendment.

Applicant asks that all claims be allowed. Enclosed is a \$110 check for the Petition for Extension of Time fee. Please apply any other necessary charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

  
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Daniel J. Sepanski  
Reg. No. 45,388

Date: October 18, 2002  
Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

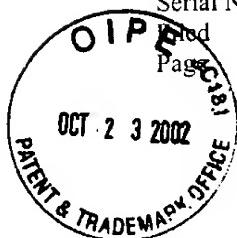
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Version with markings to show changes made

In the claims:

Claim 1 has been cancelled.

Claims 2 and 4-22 have been amended as follows:

-- 2. (Twice Amended) The skin attachment member of claim [1] 19 wherein each skin penetrating element comprises a cone-shaped body. --

-- 4. (Twice Amended) The skin attachment member of claim [1] 19 wherein said [distal] tip of each skin penetrating element has a pointed shape. --

-- 5. (Twice Amended) The skin attachment member of claim [1] 19 wherein each skin penetrating element has a length of about 0.012 inch (0.3 mm). --

-- 6. (Twice Amended) The skin attachment member of claim [1] 19 wherein the backing has a thickness in a range of about 0.003 to 0.008 inch (0.08 to 0.2 mm). --

-- 7. (Twice Amended) The skin attachment member of claim [1] 19 wherein the [at least one] retention barb of each of said plurality of skin penetrating elements is located about 0.008 to 0.0095 inch (0.2 to 0.24 mm) along a length of the skin penetrating element from the backing. --

-- 8. (Twice Amended) The skin attachment member of claim [1] 19 wherein the [at least one] retention barb of each of said plurality of said skin penetrating elements has a length of about 0.0001 inch (0.003 mm). --

-- 9. (Twice Amended) The skin attachment member of claim [1] 19 wherein the [at least one] retention barb of each of said plurality of skin penetrating elements tapers from a thickness of about 0.0001 inch (0.0003 mm) to a point at an angle of about 72 degrees. --

-- 10. (Twice Amended) The skin attachment member of claim [1] 19 wherein each of said plurality of skin penetrating elements includes two of said barbs. --

-- 11. (Twice Amended) The skin attachment member of claim [1] 19 having a density of about 400 skin penetrating elements in a 0.1 inch<sup>2</sup> (65 mm<sup>2</sup>) area. --

-- 12. (Twice Amended) The skin attachment member of claim [1] 19 wherein the skin penetrating elements are spaced apart from each other a distance of about 0.003 inch (0.08 mm). --

-- 13. (Amended) The skin attachment member of claim [1] 19 formed from nylon. --

-- 14. (Amended) The skin attachment member of claim [1] 19 formed from polyethylene teraphthalate. --

-- 15. (Amended) The skin attachment member of claim [1] 19 formed from polyester. --

-- 16. (Twice Amended) The skin attachment member of claim [1] 19 wherein the sheet-form backing and the skin penetrating elements, including each barb, are molded integrally of a single plastic resin. --

-- 17. (Twice Amended) The skin attachment member of claim [1] 19 wherein a plurality of the skin penetrating elements each define [at least one] a groove in said outer side surface. --

-- 18. (Twice Amended) The skin attachment member of claim [1] 19 wherein the skin penetrating elements are oriented perpendicular to the backing. --

-- 19. (Amended) A skin attachment member of plastic resin, comprising:  
a sheet-form backing, and

an array of skin penetrating elements extending integrally from the backing to a [distal] tip, the skin penetrating elements being [configured] shaped and arranged to penetrate into the epidermal skin layer and sized to limit painful contact with nerves below the epidermal skin layer,

a plurality of the skin penetrating elements each including [at least one] a retention barb extending from an outer side surface of the skin penetrating element and [configured] shaped and arranged to cooperate to resist removal of the skin attachment member from skin,

wherein said array of skin penetrating elements, including each retention barb, is molded integrally from a single plastic resin. --

-- 20. (Amended) The skin attachment member of claim 18 wherein each skin penetrating element intersects said sheet form backing to define a base and each skin penetrating element tapers continuously from said base to said [distal] tip. --

-- 21. (Amended) The skin attachment member of claim 10 wherein said two barbs of each of said plurality of skin penetrating elements are disposed at different distances from said [base] sheet-form backing. --

-- 22. (Amended) The skin attachment member of claim [1] 19 wherein said barb of each of said plurality of skin penetrating elements defines a half-pyramid shape. --